

### **REMARKS**

The Office Action dated December 20, 2005, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1, 4, 7, 8, 9, and 13 have been amended and claims 16-18 have been added. No new matter has been added, and no new issues are raised which require further consideration and/or search. Claims 1-18 are submitted for consideration.

Claims 1-15 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication No. 2003/0214970 to Pimentel. The rejection is traversed as being based on a reference that neither teaches nor suggests the novel combination of features clearly recited in independent claim 1, 9 and 13.

Claim 1, upon which claims 2-8 depend, recites a method of transmitting a messaging service message from a sender in a first system having a first structure for messages to a receiver of a second system having a second structure for the messages. The method includes utilizing a bearer independent protocol in the transmission of the message, wherein the bearer independent protocol provides access to bearers.

Claim 9, upon which claims 10-12 depend, recites a telecommunication system that includes at least a first system having a first structure for messaging service messages and a second system having a second structure for the messages. The system also includes a server via which a message is transmitted from the first system to the second system, the server being configured to utilize a bearer independent protocol for

transmitting the message, wherein the bearer independent protocol provides access to bearers.

Claim 13, upon which claims 14-15 depend, recites a server in a telecommunication system that includes a first system having a first structure for messaging service messages and a second system having a second structure for the messages. A message from the first system to the second system is transmitted via the server and the server is configured to utilize a bearer independent protocol for transmitting the message, wherein the bearer independent protocol provides access to bearers.

As outlined below, Applicant submits that the cited reference of Pimentel does not teach or suggest the elements of claims 1-18.

Pimentel teaches a wireless application gateway for communicating between a wireless device and a backend system. The wireless application gateway includes an application programming interface, a protocol layer, a transport layer and a configuration file. The application programming interface receives a mobile-terminated message from the backend system and sends a formatted mobile-originated first protocol using a characteristic of the mobile-terminated message. The protocol layer generates formatted mobile-terminated messages using the first protocol and generates the formatted mobile-originated messaging using a second protocol. The transport layer sends the formatted mobile-terminated message to a short message service center and receives the mobile-originated message. The configuration file includes a parameter used to choose the first

and second protocols. The mobile-terminated message is sent to the wireless device using a static identifier of the wireless device and the mobile-originated message is sent to the backend system using a dynamic identifier of the wireless device. See at least paragraph 0014 and the Abstract.

Applicant submits that Pimentel simply does not teach or suggest each element recited in claims 1-18. Each of independent claims 1, 9 and 13, in part, recites utilizing a **bearer independent protocol** in the transmission of the message, wherein the bearer independent protocol provides access to bearers. Pimentel, on the other hand, teaches using **bearer protocol** for transmitting the message. Paragraph 0033 of Pimentel discloses that the characteristics of a mobile-originated message or a mobile-terminated message are used as basis when a protocol is selected, wherein the protocol is used for routing purposes, and the message is formatted to have a proper addressing. Figure 6 of Pimentel also illustrates that routing, as disclosed in Pimentel, is clearly different from transmitting. The protocols, such as TCP/IP and X.25 mentioned in at least paragraph 0031 and illustrated in figure 6 of Pimentel, that are used for transmitting messages, are all bearer protocols. In addition, Pimentel teaches that transmitting a mobile-terminated message involves using standard SMS techniques, i.e. using bearer-dependent protocols. See at least paragraph 0036 on page 4. Furthermore, Pimentel teaches that a mobile-terminated message may be a short message or IP-level communication, thus, teaching that messaging service utilizes a bearer protocol. Pimentel also teaches that a mobile-originated message may be a short message, an UDP message, or a message according to

other protocol. Because all examples in Pimentel are based on bearer protocol for transmitting the message, “the message according to other protocol”, as disclosed in Pimentel, suggests that the “other protocol” is another bearer protocol. There is no simply no teaching or suggestion in Pimentel of utilizing a **bearer independent protocol** in the transmission of the message, wherein the bearer independent protocol provides access to bearers, as recited in independent claims 1, 9 and 13.

Furthermore, there is no simply no teaching or suggestion in Pimentel to motivate one skilled in the art to modify the teachings of Pimentel to recites utilize a **bearer independent protocol** in the transmission of the message, wherein the bearer independent protocol provides access to bearers, as recited in independent claims 1, 9 and 13. Therefore, Applicant submits that Pimentel teaches using **bearer protocol** for transmitting the message which is contrary to the claimed invention in which **bearer-independent** protocol is utilized for transmitting the message. Based on the above, Applicant respectfully asserts that the rejection under 35 U.S.C. §102(e) should be withdrawn because Pimentel fails to teach or suggest each feature of claims 1, 9 and 13 and hence, dependent claims 2-8, 10-12 and 14-15 thereon, at least because of their dependence on claims 1, 9 and 13, respectively, and because of additional limitations recited in each of claims 2-8, 10-12 and 14-15.

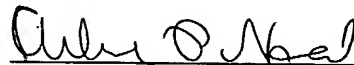
As noted previously, claims 1-18 recite subject matter which is neither disclosed nor suggested in the prior art references cited in the Office Action. It is therefore

respectfully requested that all of claims 1-18 be allowed and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosures: Petition for a Two-Month Extension of Time (1)  
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